

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 1:01-CR-00328
	:	
v.	:	(Judge Rambo)
	:	
VICKI L. ZERBY	:	(Electronically Filed)
	:	

MOTION TO WITHDRAW AS COUNSEL IN PROCEEDINGS
RELATED TO CRACK COCAINE AMENDMENT

AND NOW, comes the Federal Public Defender's Office, and files this Motion to Withdraw as counsel, and in support thereof, avers as follows:

1. On July 15, 2002, the defendant, Vickie Zerby, plead guilty to conspiracy to possess and distribute crack cocaine and heroin in violation of 21 U.S.C. § 846 and § 841 (a) (1).
2. The probation office found Vickie Zerby to be a career offender.
3. As a result of operation of the career offender guideline, Vickie Zerby's offense level was found to be 32 and her criminal history category was VI.
4. Vickie Zerby was sentenced by reference to the career offender guideline.
5. Unfortunately, the amendment to the crack guideline cannot help her.

6. On February 29, 2008, Chief Judge Kane issued a Standing Order with respect to appointment of counsel in proceedings related to the retroactive crack cocaine guideline amendments. In this Order, the Court states that counsel will be appointed where it appears that a defendant may be eligible for a sentence reduction.

7. Based on the above, the Federal Public Defenders Office moves this Court to withdraw as counsel in the proceedings related to the crack cocaine amendment pursuant to 18 U.S.C. § 3582(c)(2).

WHEREFORE, based on the above, the Federal Public Defenders Office respectfully requests that this Honorable Court grant the motion to withdraw as counsel in proceedings related to the crack cocaine amendment.

Respectfully submitted,

Date: April 1, 2008

/s/ Thomas A. Thornton, Esquire

THOMAS A. THORNTON, ESQUIRE

Federal Public Defender

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Attorney for Vickie L. Zerby

CERTIFICATE OF SERVICE

I, Thomas A. Thornton, of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL IN PROCEEDINGS RELATED TO THE CRACK COCAINE AMENDMENT**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

MARTIN C. CARLSON, ESQUIRE
Acting United States Attorney

[REDACTED]
[REDACTED]

CHRISTY H. FAWCETT, ESQUIRE
Assistant United States Attorney

[REDACTED]
[REDACTED]

DREW THOMPSON
United States Probation Officer

[REDACTED]
[REDACTED]

VICKIE L. ZERBY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: April 1, 2008

/s/ Thomas A. Thornton, Esquire

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